

CHAPTER NO. 13

SENATE BILL NO. 73

INTRODUCED BY GOODOVER, DOVER

IN THE SENATE

January 5, 1979	Introduced and referred to Committee on Business and Industry.
January 15, 1979	Committee recommend bill do pass as amended. Report adopted.
January 16, 1979	Printed and placed on members' desks.
January 17, 1979	Second Reading, do pass.
January 19, 1979	Considered correctly engrossed.
January 20, 1979	Third Reading, passed. Transmitted to Second House.

IN THE HOUSE

January 22, 1979	Introduced and referred to Committee on Business and Industry.
January 26, 1979	Committee recommend bill be concurred in. Report adopted.
January 27, 1979	Second Reading, concurred in.
January 30, 1979	Third Reading, concurred in.

IN THE SENATE

January 31, 1979	Returned from Second House. Sent to enrolling. Report correctly enrolled.
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1 Speaker BILL NO. 73
 2 INTRODUCED BY Douglas Goodover
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE TELEVISION
 5 DISTRICTS TO PROVIDE AND FINANCE AM OR FM TRANSLATOR
 6 SERVICES UPON PETITION; AMENDING SECTIONS 7-13-2510,
 7 7-13-2527, 7-13-2528, AND 7-13-2529, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Authorization for AM or FM
 11 translator. (1) A television district may construct and
 12 operate an AM or FM translator facility as provided in this
 13 section.

14 (2) (a) A request to provide AM or FM translator
 15 services may be initiated by a petition signed by at least
 16 51% of the registered electors of the television district
 17 who are owners of units capable of receiving AM or FM
 18 broadcasts, and presented to the board of county
 19 commissioners which initially established the district. The
 20 petition, its filing, and its processing are governed by
 21 7-13-2503, 7-13-2504, and 7-13-2505.

22 (b) Upon receiving a certified petition, the board of
 23 county commissioners is to give notice and hold a hearing as
 24 provided in 7-13-2506 and 7-13-2507. After the hearing, the
 25 board of county commissioners shall approve or deny the

1 petition by resolution. If the decision is to approve the
 2 petition, the resolution shall authorize the board of
 3 trustees of the district to provide the requested services
 4 and shall describe the proposed system, including the type
 5 of construction, proposed location, and estimated costs.

6 Section 2. Section 7-13-2510, MCA, is amended to read:
 7 "7-13-2510. Powers of district. A television district
 8 organized under this part, acting through its board of
 9 trustees herein provided for, may:

10 (1) perform all the acts and take all the necessary or
 11 proper steps to assure that there will be a fair, efficient,
 12 and equitable distribution of television services within the
 13 area in order that all persons within such service area
 14 shall be supplied by means of an appropriate electrical or
 15 electronic system for television program distribution, such
 16 authorized system to provide such flexibility as to permit
 17 radical improvements in technical quality without rendering
 18 inoperative receivers therein, but discontinuance of service
 19 by the district for improvements or repairs for a temporary
 20 period shall not be construed as rendering inoperative;

21 (2) if necessary or proper in the furtherance of the
 22 objects of this part, acquire, build, construct, repair,
 23 own, maintain, and operate any necessary stations
 24 transmitting simultaneous visual and aural signals intended
 25 to be received by the general public, relay stations, pickup

1 stations, or any other necessary electrical or electronic
2 system;

3 (3) make contracts to compensate any owner of land or
4 other property for the use of such property for the purposes
5 of this part;

6 (4) make contracts with the United States, any state
7 or municipality, or any department or agency of those
8 entities for carrying out the general purposes for which the
9 district is formed;

10 (5) acquire, by gift, devise, bequest, lease, or
11 purchase, real and personal property, tangible or
12 intangible, including lands, rights-of-way, and easements,
13 necessary or convenient for its purposes;

14 (6) to make contracts of any lawful nature (including
15 labor contracts or those for employees' benefits) and employ
16 engineers, laboratory personnel, attorneys, other technical
17 or professional assistants, and any other assistants or
18 employees necessary to carry out the provisions of this
19 part;

20 (7) issue warrants, payable at the time stated
21 therein, to evidence the obligation to repay money borrowed
22 or any other obligation incurred by the district, warrants
23 so issued to draw interest at a rate fixed by the board, not
24 to exceed 5% per year, payable annually or semiannually as
25 the board may prescribe;

1 (8) contract indebtedness or borrow money for
2 corporate purposes and issue revenue bonds therefor to be
3 repaid from rates and charges, bearing interest at a rate
4 not exceeding 6% per annum payable semiannually, the bonds
5 not to be sold for less than par and accrued interest;

6 (9) prescribe tax rates for the providing of services
7 throughout the area in accordance with the provisions of
8 this part;

9 (10) prescribe such installation or ready-to-serve
10 charges to be used for any costs connected with preparation,
11 acquisition, or construction of the system; and

12 (11) apply for, accept, and be the holder of any permit
13 or license issued by or required under federal or state
14 laws; and

15 (12) provide AM or FM translator services if authorized
16 as provided in [section 1]."

17 Section 3. Section 7-13-2527, MCA, is amended to read:
18 "7-13-2527. List of television or AM or FM receiver
19 owners. (1) A copy of the order creating the district shall
20 be delivered to the county assessor of each county within
21 the district. If a district is authorized to provide AM or
22 FM translator services, a copy of the resolution authorizing
23 the services is to be delivered to the county assessor of
24 each county within the district.

25 (2) The assessor shall, on or before August 1 of any

1 given year, prepare and certify a list of all persons owning
 2 television sets within ~~such the~~ district ~~and the county~~ and
 3 deliver a copy of ~~such the~~ list to the board of trustees of
 4 ~~said the~~ district. ~~At the same time, if AM or FM translator~~
 5 ~~services are authorized, the assessor shall prepare and~~
 6 ~~certify a list of all persons owning units capable of~~
 7 ~~receiving AM or FM broadcasts within the district and the~~
 8 ~~county and deliver a copy of the list to the district board~~
 9 ~~of trustees.~~

10 ~~(3) If the county assessor incurs additional expenses~~
 11 ~~because of the preparation of a list required by this~~
 12 ~~section, the district shall pay those additional expenses."~~

13 Section 4. Section 7-13-2528, MCA, is amended to read:
 14 "7-13-2528. Financial administration of district. (1)
 15 The board of trustees shall, from ~~said any~~ list ~~so~~ prepared
 16 by the county assessor ~~as required by 7-13-2527~~, remove the
 17 names of any persons who have claimed exemption under this
 18 part and shall prepare a budget for the expenses for the
 19 next year.

20 (2) The budget, together with the list of such persons
 21 residing in the district and subject to the special tax
 22 after all exemptions have been allowed as provided in this
 23 part, shall be presented by September 1 to the board of
 24 county commissioners, who shall levy the tax requested by
 25 said trustees. ~~In preparing the budget, the board of~~

1 ~~trustees shall maintain separate budgets for television~~
 2 ~~services and for AM or FM translator services and shall~~
 3 ~~specify the tax to be levied on owners of television sets~~
 4 ~~and on owners of units capable of receiving AM or FM~~
 5 ~~broadcasts.~~ The board shall levy such tax in accordance with
 6 the request herein mentioned. The tax shall be certified to
 7 the county clerk and recorder and entered on the assessment
 8 books as against such persons and collected by the county
 9 treasurer as all other taxes are collected.

10 (3) The county treasurer shall be the treasurer for
 11 said district and hold said taxes, as collected, in a
 12 separate fund to be disbursed by him upon warrants drawn by
 13 the trustees, at least two of whom shall sign any warrant
 14 for the disbursement of such funds by the county treasurer."

15 Section 5. Section 7-13-2529, MCA, is amended to read:
 16 "7-13-2529. Exemption for nonbenefited taxpayers. (1)
 17 The taxpayers in the television district who do not receive
 18 the signal of the television translator station or who
 19 receive direct reception from the television station from
 20 which the television translator repeats a signal or receive
 21 service through the medium of a community antenna system on
 22 which they are a subscriber in good standing will be exempt
 23 from the payment of the tax for the support of the
 24 ~~television services of the~~ television district, provided
 25 they file an affidavit setting forth any of the grounds

1 above mentioned. The affidavit shall be filed with the board
2 of trustees, who shall upon the receipt of such affidavit
3 have the names of such persons so exempted from the tax for
4 television services stricken from the list of taxpayers
5 certified to the board of county commissioners. The exempted
6 persons shall not be liable for such tax.

7 ~~(2) A similar exemption is available with respect to~~
8 ~~AM or FM translator services. The procedure provided in~~
9 ~~subsection (1) shall be utilized for the AM or FM exemption.~~

10 ~~(2)(3) Any person or persons who shall make a false or~~
11 ~~fraudulent claim for exemption as provided in this section~~
12 ~~shall be guilty of a misdemeanor."~~

13 Section 6. Codification. It is intended that section 1
14 be codified as an integral part of Title 7, chapter 13, part
15 25, and the provisions of Title 7, chapter 13, part 25,
16 apply to section 1.

-End-

Approved by Committee
on Business and Industry

SENATE BILL NO. 73

INTRODUCED BY DOVER, GOODOVER

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE TELEVISION DISTRICTS TO PROVIDE AND FINANCE AM--OR FM TRANSLATOR SERVICES UPON PETITION; AMENDING SECTIONS 7-13-2510, 7-13-2527, 7-13-2528, AND 7-13-2529, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Authorization for AM--or FM translator. (1) A television district may construct and operate an-AM-or A BROADCAST FM translator facility (88 TO 108 MEGACYCLES) as provided in this section.

(2) (a) A request to provide AM--or FM translator services may be initiated by a petition signed by at least 5% of the registered electors of the television district who are owners of units capable of receiving AM--or FM broadcasts (88 TO 108 MEGACYCLES), and presented to the board of county commissioners which initially established the district. The petition, its filing, and its processing are governed by 7-13-2503, 7-13-2504, and 7-13-2505.

(b) Upon receiving a certified petition, the board of county commissioners is to give notice and hold a hearing as provided in 7-13-2506 and 7-13-2507. After the hearing, the board of county commissioners shall approve or deny the

petition by resolution. If the decision is to approve the petition, the resolution shall authorize the board of trustees of the district to provide the requested services and shall describe the proposed system, including the type of construction, proposed location, and estimated costs.

Section 2. Section 7-13-2510, MCA, is amended to read:

"7-13-2510. Powers of district. A television district organized under this part, acting through its board of trustees herein provided for, may:

(1) perform all the acts and take all the necessary or proper steps to assure that there will be a fair, efficient, and equitable distribution of television services within the area in order that all persons within such service area shall be supplied by means of an appropriate electrical or electronic system for television program distribution, such authorized system to provide such flexibility as to permit radical improvements in technical quality without rendering inoperative receivers therein, but discontinuance of service by the district for improvements or repairs for a temporary period shall not be construed as rendering inoperative;

(2) if necessary or proper in the furtherance of the objects of this part, acquire, build, construct, repair, own, maintain, and operate any necessary stations transmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pickup

1 stations, or any other necessary electrical or electronic
2 system;

3 (3) make contracts to compensate any owner of land or
4 other property for the use of such property for the purposes
5 of this part;

6 (4) make contracts with the United States, any state
7 or municipality, or any department or agency of those
8 entities for carrying out the general purposes for which the
9 district is formed;

10 (5) acquire, by gift, devise, bequest, lease, or
11 purchase, real and personal property, tangible or
12 intangible, including lands, rights-of-way, and easements,
13 necessary or convenient for its purposes;

14 (6) to make contracts of any lawful nature (including
15 labor contracts or those for employees' benefits) and employ
16 engineers, laboratory personnel, attorneys, other technical
17 or professional assistants, and any other assistants or
18 employees necessary to carry out the provisions of this
19 part;

20 (7) issue warrants, payable at the time stated
21 therein, to evidence the obligation to repay money borrowed
22 or any other obligation incurred by the district, warrants
23 so issued to draw interest at a rate fixed by the board, not
24 to exceed 5% per year, payable annually or semiannually as
25 the board may prescribe;

1 (8) contract indebtedness or borrow money for
2 corporate purposes and issue revenue bonds therefor to be
3 repaid from rates and charges, bearing interest at a rate
4 not exceeding 8% per annum payable semiannually, the bonds
5 not to be sold for less than par and accrued interest;

6 (9) prescribe tax rates for the providing of services
7 throughout the area in accordance with the provisions of
8 this part;

9 (10) prescribe such installation or ready-to-serve
10 charges to be used for any costs connected with preparation,
11 acquisition, or construction of the system; and

12 (11) apply for, accept, and be the holder of any permit
13 or license issued by or required under federal or state
14 laws; and

15 ~~(12) provide AM-or FM translator services if authorized~~
16 ~~as provided in [section 1]."~~

17 Section 3. Section 7-13-2527, MCA, is amended to read:

18 "7-13-2527. List of television ~~or-AM or FM receiver~~
19 owners. (1) A copy of the order creating the district shall
20 be delivered to the county assessor of each county within
21 the district. ~~If a district is authorized to provide AM-or~~
22 ~~FM translator services, a copy of the resolution authorizing~~
23 ~~the services is to be delivered to the county assessor of~~
24 ~~each county within the district.~~

25 (2) The assessor shall, on or before August 1 of any

1 given year, prepare and certify a list of all persons owning
 2 television sets within ~~such the~~ district ~~and the county~~ and
 3 deliver a copy of ~~such the~~ list to the board of trustees of
 4 ~~said the~~ district. ~~At the same time, if AM-or FM translator~~
 5 ~~services are authorized, the assessor shall prepare and~~
 6 ~~certify a list of all persons owning units capable of~~
 7 ~~receiving AM-or FM broadcasts (88 OR 108 MEGACYCLES) within~~
 8 ~~the district and the county and deliver a copy of the list~~
 9 ~~to the district board of trustees.~~

10 ~~(3) If the county assessor incurs additional expenses~~
 11 ~~because of the preparation of a list required by this~~
 12 ~~section, the district shall pay those additional expenses."~~

13 Section 4. Section 7-13-2528, MCA, is amended to read:
 14 "7-13-2528. Financial administration of district. (1)
 15 The board of trustees shall, from ~~said any~~ list so prepared
 16 by the county assessor ~~as required by 7-13-2527~~, remove the
 17 names of any persons who have claimed exemption under this
 18 part and shall prepare a budget for the expenses for the
 19 next year.

20 (2) The budget, together with the list of such persons
 21 residing in the district and subject to the special tax
 22 after all exemptions have been allowed as provided in this
 23 part, shall be presented by September 1 to the board of
 24 county commissioners, who shall levy the tax requested by
 25 said trustees. ~~In preparing the budget, the board of~~

1 ~~trustees shall maintain separate budgets for television~~
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 6 ~~tax in accordance with the request herein mentioned. The tax~~
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 8 ~~entered on the assessment books as against such persons and~~
 9 ~~collected by the county treasurer as all other taxes are~~
 10 ~~collected.~~

11 (3) The county treasurer shall be the treasurer for
 12 said district and hold said taxes, as collected, in a
 13 separate fund to be disbursed by him upon warrants drawn by
 14 the trustees, at least two of whom shall sign any warrant
 15 for the disbursement of such funds by the county treasurer."

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 17 "7-13-2529. Exemption for nonbenefited taxpayers. (1)
 18 The taxpayers in the television district who do not receive
 19 the signal of the television translator station or who
 20 receive direct reception from the television station from
 21 which the television translator repeats a signal or receive
 22 service through the medium of a community antenna system on
 23 which they are a subscriber in good standing will be exempt
 24 from the payment of the tax for the support of the
 25 ~~television services of the~~ television district, provided

1 they file an affidavit setting forth any of the grounds
2 above mentioned. The affidavit shall be filed with the board
3 of trustees, who shall upon the receipt of such affidavit
4 have the names of such persons so exempted from the tax for
5 ~~television services~~ stricken from the list of taxpayers
6 certified to the board of county commissioners. The exempted
7 persons shall not be liable for such tax.

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9 ~~AM-or FM translator services. The procedure provided in~~
10 ~~subsection (1) shall be utilized for the AM-or FM exemption.~~

11 ~~(1)~~ Any person or persons who shall make a false or
12 fraudulent claim for exemption as provided in this section
13 shall be guilty of a misdemeanor."

14 Section 6. Codification. It is intended that section 1
15 be codified as an integral part of Title 7, chapter 13, part
16 25, and the provisions of Title 7, chapter 13, part 25,
17 apply to section 1.

-End-

SENATE BILL NO. 73

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE TELEVISION DISTRICTS TO PROVIDE AND FINANCE AM--OR FM TRANSLATOR SERVICES UPON PETITION; AMENDING SECTIONS 7-13-2510, 7-13-2527, 7-13-2528, AND 7-13-2529, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Authorization for AM--or FM translator. (1) A television district may construct and operate an-AM-or A BROADCAST FM translator facility ~~100 TO 100 MEGAHERTZ~~ as provided in this section.

(2) (a) A request to provide AM--or FM translator services may be initiated by a petition signed by at least 51% of the registered electors of the television district who are owners of units capable of receiving AM--or FM broadcasts ~~100 TO 100 MEGAHERTZ~~, and presented to the board of county commissioners which initially established the district. The petition, its filing, and its processing are governed by 7-13-2503, 7-13-2504, and 7-13-2505.

(b) Upon receiving a certified petition, the board of county commissioners is to give notice and hold a hearing as provided in 7-13-2506 and 7-13-2507. After the hearing, the board of county commissioners shall approve or deny the

petition by resolution. If the decision is to approve the petition, the resolution shall authorize the board of trustees of the district to provide the requested services and shall describe the proposed system, including the type of construction, proposed location, and estimated costs.

Section 2. Section 7-13-2510, MCA, is amended to read:

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(1) perform all the acts and take all the necessary or proper steps to assure that there will be a fair, efficient, and equitable distribution of television services within the area in order that all persons within such service area shall be supplied by means of an appropriate electrical or electronic system for television program distribution, such authorized system to provide such flexibility as to permit radical improvements in technical quality without rendering inoperative receivers therein, but discontinuance of service by the district for improvements or repairs for a temporary period shall not be construed as rendering inoperative;

(2) if necessary or proper in the furtherance of the objects of this part, acquire, build, construct, repair, own, maintain, and operate any necessary stations transmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pickup

1 stations, or any other necessary electrical or electronic
2 system;

3 (3) make contracts to compensate any owner of land or
4 other property for the use of such property for the purposes
5 of this part;

6 (4) make contracts with the United States, any state
7 or municipality, or any department or agency of those
8 entities for carrying out the general purposes for which the
9 district is formed;

10 (5) acquire, by gift, devise, bequest, lease, or
11 purchase, real and personal property, tangible or
12 intangible, including lands, rights-of-way, and easements,
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14 (6) to make contracts of any lawful nature (including
15 labor contracts or those for employees' benefits) and employ
16 engineers, laboratory personnel, attorneys, other technical
17 or professional assistants, and any other assistants or
18 employees necessary to carry out the provisions of this
19 part;

20 (7) issue warrants, payable at the time stated
21 therein, to evidence the obligation to repay money borrowed
22 or any other obligation incurred by the district, warrants
23 so issued to draw interest at a rate fixed by the board, not
24 to exceed 5% per year, payable annually or semiannually as
25 the board may prescribe;

1 (8) contract indebtedness or borrow money for
2 corporate purposes and issue revenue bonds therefor to be
3 repaid from rates and charges, bearing interest at a rate
4 not exceeding 6% per annum payable semiannually, the bonds
5 not to be sold for less than par and accrued interest;

6 (9) prescribe tax rates for the providing of services
7 throughout the area in accordance with the provisions of
8 this part;

9 (10) prescribe such installation or ready-to-serve
10 charges to be used for any costs connected with preparation,
11 acquisition, or construction of the system; and

12 (11) apply for, accept, and be the holder of any permit
13 or license issued by or required under federal or state
14 law; and

15 (12) provide AM-or FM translator services if authorized
16 as provided in [section 1]."

17 Section 3. Section 7-13-2527, MCA, is amended to read:
18 "7-13-2527. List of television or-AM or FM receiver
19 owners. (1) A copy of the order creating the district shall
20 be delivered to the county assessor of each county within
21 the district. If a district is authorized to provide AM-or
22 FM translator services, a copy of the resolution authorizing
23 the services is to be delivered to the county assessor of
24 each county within the district.

25 (2) The assessor shall, on or before August 1 of any

1 given year, prepare and certify a list of all persons owning
 2 television sets within such the district and the county and
 3 deliver a copy of such the list to the board of trustees of
 4 said the district. ~~At the same time, if AM-or FM translator~~
 5 ~~services are authorized, the assessor shall prepare and~~
 6 ~~certify a list of all persons owning units capable of~~
 7 ~~receiving AM--or FM broadcasts (88 OR 108 MEGAHERTZ) within~~
 8 ~~the district and the county and deliver a copy of the list~~
 9 ~~to the district board of trustees.~~

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 11 ~~because of the preparation of a list required by this~~
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13 Section 4. Section 7-13-2528, MCA, is amended to read:
 14 "7-13-2528. Financial administration of district. (1)
 15 The board of trustees shall, from ~~and~~ ~~any~~ list ~~so~~ prepared
 16 by the county assessor ~~as required by 7-13-2527~~, remove the
 17 names of any persons who have claimed exemption under this
 18 part and shall prepare a budget for the expenses for the
 19 next year.

20 (2) The budget, together with the list of such persons
 21 residing in the district and subject to the special tax
 22 after all exemptions have been allowed as provided in this
 23 part, shall be presented by September 1 to the board of
 24 county commissioners, who shall levy the tax requested by
 25 said trustees. ~~In preparing the budget, the board of~~

1 ~~trustees shall maintain separate budgets for television~~
 2 ~~services and for AM--or FM translator services and shall~~
 3 ~~specify the tax to be levied on owners of television sets~~
 4 ~~and on owners of units capable of receiving AM-or FM~~
 5 ~~broadcasts (88 TO 108 MEGAHERTZ). The board shall levy such~~
 6 tax in accordance with the request herein mentioned. The tax
 7 shall be certified to the county clerk and recorder and
 8 entered on the assessment books as against such persons and
 9 collected by the county treasurer as all other taxes are
 10 collected.

11 (3) The county treasurer shall be the treasurer for
 12 said district and hold said taxes, as collected, in a
 13 separate fund to be disbursed by him upon warrants drawn by
 14 the trustees, at least two of whom shall sign any warrant
 15 for the disbursement of such funds by the county treasurer."

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 17 "7-13-2529. Exemption for nonbenefited taxpayers. (1)
 18 The taxpayers in the television district who do not receive
 19 the signal of the television translator station or who
 20 receive direct reception from the television station from
 21 which the television translator repeats a signal or receive
 22 service through the medium of a community antenna system on
 23 which they are a subscriber in good standing will be exempt
 24 from the payment of the tax for the support of the
 25 ~~television services of the~~ television district, provided

1 they file an affidavit setting forth any of the grounds
2 above mentioned. The affidavit shall be filed with the board
3 of trustees, who shall upon the receipt of such affidavit
4 have the names of such persons so exempted from the tax for
5 ~~television services~~ stricken from the list of taxpayers
6 certified to the board of county commissioners. The exempted
7 persons shall not be liable for such tax.

8 ~~(2) A similar exemption is available with respect to~~
9 ~~AM-or FM translator services. The procedure provided in~~
10 ~~subsection (1) shall be utilized for the AM-or FM exemption.~~

11 ~~(2)(3) Any person or persons who shall make a false or~~
12 ~~fraudulent claim for exemption as provided in this section~~
13 ~~shall be guilty of a misdemeanor."~~

14 Section 6. Codification. It is intended that section 1
15 be codified as an integral part of Title 7, chapter 13, part
16 25, and the provisions of Title 7, chapter 13, part 25,
17 apply to section 1.

-End-

SENATE BILL NO. 73

INTRODUCED BY DOVER, GOODOVER

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE TELEVISION DISTRICTS TO PROVIDE AND FINANCE AM--OR FM TRANSLATOR SERVICES UPON PETITION; AMENDING SECTIONS 7-13-2510, 7-13-2527, 7-13-2528, AND 7-13-2529, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Authorization for AM--or FM translator. (1) A television district may construct and operate on-AM-or A-BROADCAST FM translator facility 188 TO 102 MEGAHERTZ as provided in this section.

(2) (a) A request to provide AM--or FM translator services may be initiated by a petition signed by at least 51% of the registered electors of the television district who are owners of units capable of receiving AM--or FM broadcasts 188 TO 108 MEGAHERTZ, and presented to the board of county commissioners which initially established the district. The petition, its filing, and its processing are governed by 7-13-2503, 7-13-2504, and 7-13-2505.

(b) Upon receiving a certified petition, the board of county commissioners is to give notice and hold a hearing as provided in 7-13-2506 and 7-13-2507. After the hearing, the board of county commissioners shall approve or deny the

petition by resolution. If the decision is to approve the petition, the resolution shall authorize the board of trustees of the district to provide the requested services and shall describe the proposed system, including the type of construction, proposed location, and estimated costs.

Section 2. Section 7-13-2510, MCA, is amended to read: "7-13-2510. Powers of district. A television district organized under this part, acting through its board of trustees herein provided for, may:

(1) perform all the acts and take all the necessary or proper steps to assure that there will be a fair, efficient, and equitable distribution of television services within the area in order that all persons within such service area shall be supplied by means of an appropriate electrical or electronic system for television program distribution, such authorized system to provide such flexibility as to permit radical improvements in technical quality without rendering inoperative receivers therein, but discontinuance of service by the district for improvements or repairs for a temporary period shall not be construed as rendering inoperative;

(2) if necessary or proper in the furtherance of the objects of this part, acquire, build, construct, repair, own, maintain, and operate any necessary stations transmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pickup

1 stations, or any other necessary electrical or electronic
2 system;

3 (3) make contracts to compensate any owner of land or
4 other property for the use of such property for the purposes
5 of this part;

6 (4) make contracts with the United States, any state
7 or municipality, or any department or agency of those
8 entities for carrying out the general purposes for which the
9 district is formed;

10 (5) acquire, by gift, devise, bequest, lease, or
11 purchase, real and personal property, tangible or
12 intangible, including lands, rights-of-way, and easements,
13 necessary or convenient for its purposes;

14 (6) to make contracts of any lawful nature (including
15 labor contracts or those for employees' benefits) and employ
16 engineers, laboratory personnel, attorneys, other technical
17 or professional assistants, and any other assistants or
18 employees necessary to carry out the provisions of this
19 part;

20 (7) issue warrants, payable at the time stated
21 therein, to evidence the obligation to repay money borrowed
22 or any other obligation incurred by the district, warrants
23 so issued to draw interest at a rate fixed by the board, not
24 to exceed 5% per year, payable annually or semiannually as
25 the board may prescribe;

1 (8) contract indebtedness or borrow money for
2 corporate purposes and issue revenue bonds therefor to be
3 repaid from rates and charges, bearing interest at a rate
4 not exceeding 5% per annum payable semiannually, the bonds
5 not to be sold for less than par and accrued interest;

6 (9) prescribe tax rates for the providing of services
7 throughout the area in accordance with the provisions of
8 this part;

9 (10) prescribe such installation or ready-to-serve
10 charges to be used for any costs connected with preparation,
11 acquisition, or construction of the system; and

12 (11) apply for, accept, and be the holder of any permit
13 or license issued by or required under federal or state
14 law; and

15 (12) provide AM or FM translator services if authorized
16 as provided in [section 1]."

17 Section 3. Section 7-13-2527, MCA, is amended to read:

18 "7-13-2527. List of television or-AM or FM receiver
19 owners. (1) A copy of the order creating the district shall
20 be delivered to the county assessor of each county within
21 the district. If a district is authorized to provide AM or
22 FM translator services, a copy of the resolution authorizing
23 the services is to be delivered to the county assessor of
24 each county within the district.

25 (2) The assessor shall, on or before August 1 of any

1 given year, prepare and certify a list of all persons owning
 2 television sets within such the district and the county and
 3 deliver a copy of such the list to the board of trustees of
 4 said the district. At the same time, if AM-or FM translator
 5 services are authorized, the assessor shall prepare and
 6 certify a list of all persons owning units capable of
 7 receiving AM-or FM broadcasts (88 TO 108 MEGAHERTZ) within
 8 the district and the county and deliver a copy of the list
 9 to the district board of trustees.

10 (3) If the county assessor incurs additional expenses
 11 because of the preparation of a list required by this
 12 section, the district shall pay those additional expenses."

13 Section 4. Section 7-13-2528, MCA, is amended to read:
 14 "7-13-2528. Financial administration of district. (1)
 15 The board of trustees shall, from ~~said any list so prepared~~
 16 by the county assessor as required by 7-13-2527, remove the
 17 names of any persons who have claimed exemption under this
 18 part and shall prepare a budget for the expenses for the
 19 next year.

20 (2) The budget, together with the list of such persons
 21 residing in the district and subject to the special tax
 22 after all exemptions have been allowed as provided in this
 23 part, shall be presented by September 1 to the board of
 24 county commissioners, who shall levy the tax requested by
 25 said trustees. In preparing the budget, the board of

1 trustees shall maintain separate budgets for television
 2 services and for AM-or FM translator services and shall
 3 specify the tax to be levied on owners of television sets
 4 and on owners of units capable of receiving AM-or FM
 5 broadcasts (88 TO 108 MEGAHERTZ). The board shall levy such
 6 tax in accordance with the request herein mentioned. The tax
 7 shall be certified to the county clerk and recorder and
 8 entered on the assessment books as against such persons and
 9 collected by the county treasurer as all other taxes are
 10 collected.

11 (3) The county treasurer shall be the treasurer for
 12 said district and hold said taxes, as collected, in a
 13 separate fund to be disbursed by him upon warrants drawn by
 14 the trustees, at least two of whom shall sign any warrant
 15 for the disbursement of such funds by the county treasurer."

16 Section 5. Section 7-13-2529, MCA, is amended to read:
 17 "7-13-2529. Exemption for nonbenefited taxpayers. (1)
 18 The taxpayers in the television district who do not receive
 19 the signal of the television translator station or who
 20 receive direct reception from the television station from
 21 which the television translator repeats a signal or receive
 22 service through the medium of a community antenna system on
 23 which they are a subscriber in good standing will be exempt
 24 from the payment of the tax for the support of the
 25 television services of the television district, provided

1 they file an affidavit setting forth any of the grounds
2 above mentioned. The affidavit shall be filed with the board
3 of trustees, who shall upon the receipt of such affidavit
4 have the names of such persons so exempted from the tax for
5 ~~television services~~ stricken from the list of taxpayers
6 certified to the board of county commissioners. The exempted
7 persons shall not be liable for such tax.

8 ~~(2) A similar exemption is available with respect to~~
9 ~~AM-or FM translator services. The procedure provided in~~
10 ~~subsection (1) shall be utilized for the AM-or FM exemption.~~

11 ~~(2)(3) Any person or persons who shall make a false or~~
12 ~~fraudulent claim for exemption as provided in this section~~
13 ~~shall be guilty of a misdemeanor."~~

14 Section 6. Codification. It is intended that section 1
15 be codified as an integral part of Title 7, chapter 13, part
16 25, and the provisions of Title 7, chapter 13, part 25,
17 apply to section 1.

-End-